



U.S. Department of Justice

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Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 23, 2013

BY HAND AND ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Chambers 2240
New York, New York 10007

Re: United States v. Abu Ghayth
S13 98 Cr. 1023 (LAK)

Dear Judge Kaplan:

The Government writes, in an abundance of caution and with defendant Sulaiman Abu Ghayth's consent, to respectfully request that the Court exclude from the Speedy Trial Act's operation the time between today and January 7, 2014—the date of the trial in this matter—pursuant to 18 U.S.C. § 3161(h)(7)(A).

To date, the Court has expressly excluded from the Speedy Trial Act's operation the time from March 8, 2013 through September 17, 2013, in the interests of justice pursuant to § 3161(h)(7)(A). In addition, on August 30, 2013 Abu Ghayth filed a motion to suppress an out-of-court identification and preclude an in-court identification. As that motion is under consideration and no hearing has been held, the time from August 30 continues to be automatically excluded from the Speedy Trial Act's operation pursuant to § 3161(h)(1)(D).

According to counsel, the defense continues to review discovery—much of which is in Arabic—and identify witnesses—many of whom are located overseas—in preparation for trial. In addition, defense counsel is contemplating additional briefing regarding classified issues that arose during the recent suppression hearing.

Hon. Lewis A. Kaplan
October 23, 2013
Page 2 of 2

For all of these reasons, the Government moves, with Abu Ghayth's consent, through counsel, to exclude the time from today until January 7, 2014, in the interests of justice pursuant to § 3161(h)(7)(A).

Respectfully submitted,

PREET BHARARA
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(by ECF)